



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: NAN-2007-01360-EBU
Issue Date: 15 August 2008
Expiration Date: 15 September 2008

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act.

APPLICANT: Robert Kittine, Jr., et al
1 Yale Road
Sag Harbor, New York 11963

ACTIVITY: Dredge with 10 years maintenance and upland disposal

WATERWAY: Colgate Basin, Upper Sag Harbor Cove, Shelter Island Sound

LOCATION: Village of Sag Harbor, Town of Southampton, Suffolk County, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the

permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (16 U.S.C. 1855 (b)), requires all federal agencies to consult with the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A complete description of the proposed activity is given in the enclosed Work Description. The Corps of Engineers has made the preliminary determination that the site specific adverse effects are not likely to be substantial. Further consultation with NOAA Fisheries Service regarding EFH impacts and conservation recommendations will be concluded prior to the final permit decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

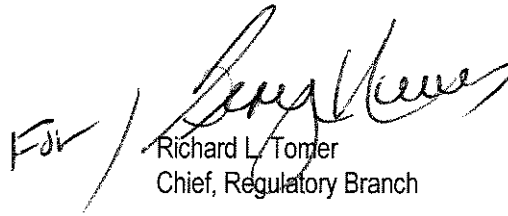
Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 99 Washington Avenue, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation
- Town of Southampton

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8513 and ask for Ms. Denise Butts.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

For 
Richard L. Tomer
Chief, Regulatory Branch

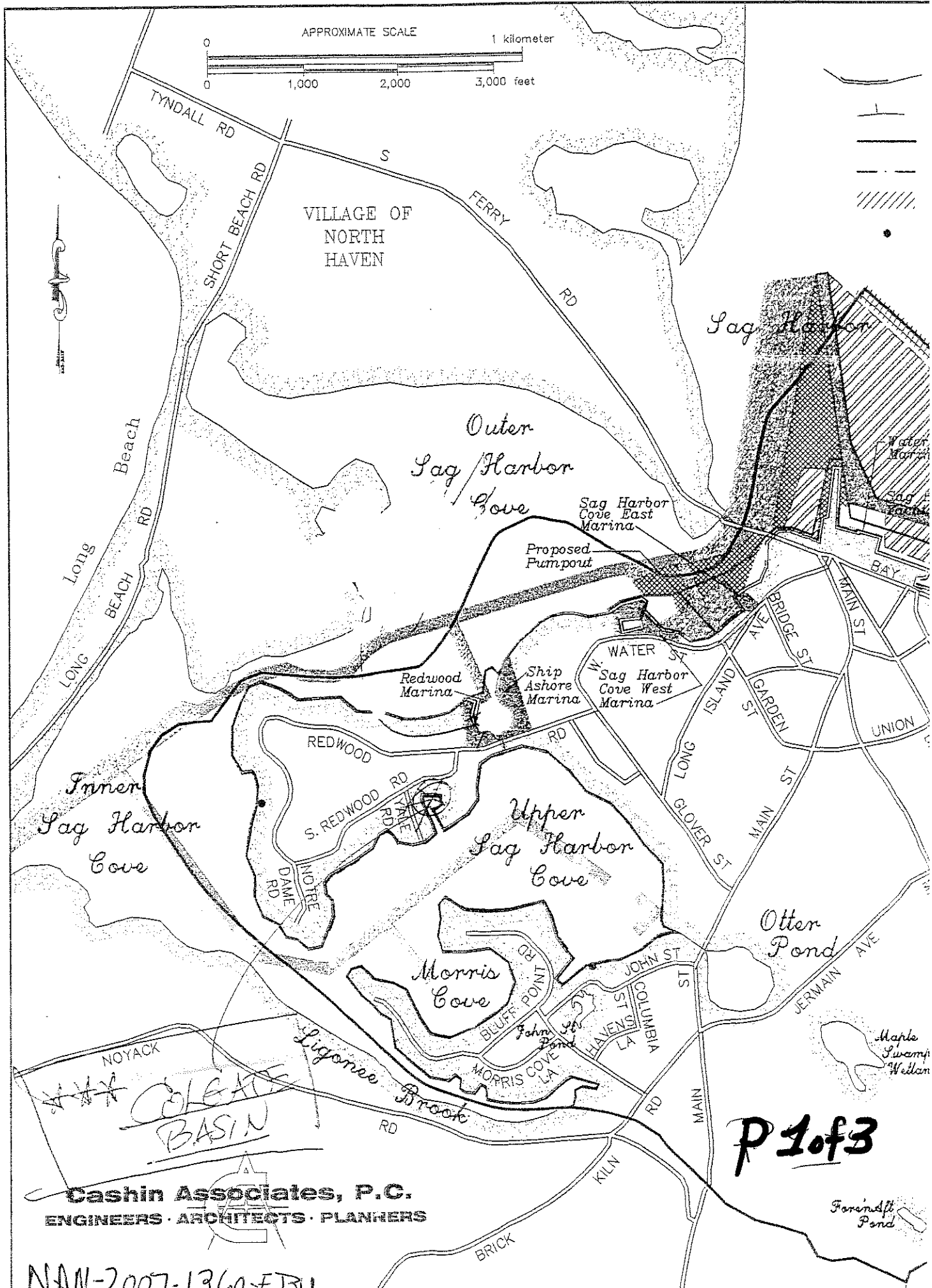
Enclosures

WORK DESCRIPTION

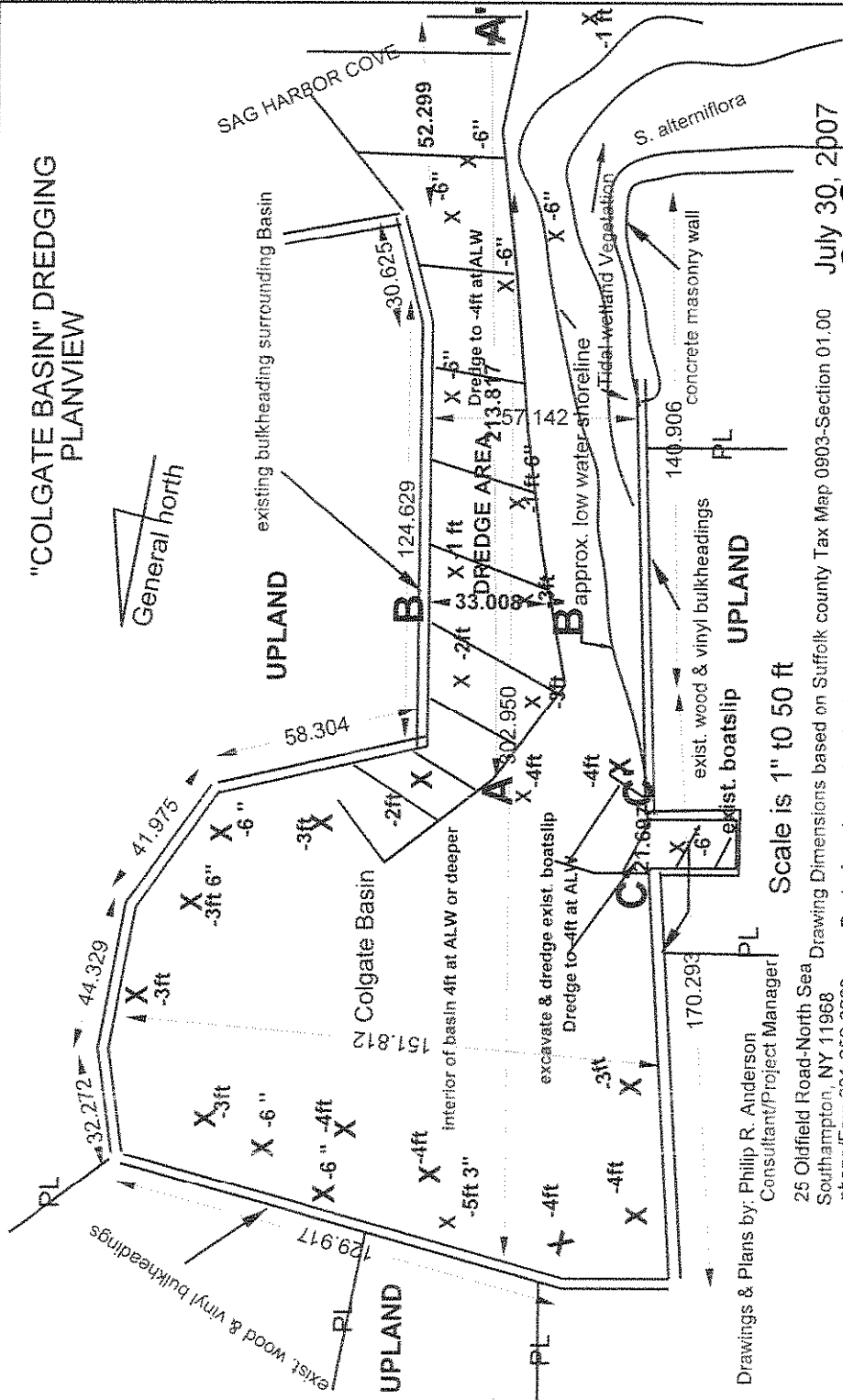
The applicant, Robert Kittine, Jr., et al, has requested Department of the Army authorization to maintenance dredge with upland disposal in Colgate Basin, Upper Sag Harbor Cove, Shelter Island Sound located in the Village of Sag Harbor, Town of Southampton, Suffolk County, New York.

The work would involve dredging with ten years maintenance and barge overflow, by a barge mounted crane using a clamshell bucket. The work would include dredging approximately 890 cubic yards of sand, mud, muck and possibly clay along the eastern side of the existing bulkhead to a depth of four feet below mean low water and the dredging of an existing boat slip on the western side of the bulkhead to a depth of four feet below mean low water. All dredged material would be dewatered on site with return flow allowed to reenter the waterway as necessary then the dredged material would be disposed off site at a state-approved upland location. Subsequent maintenance dredging is anticipated approximately six to ten times over 10 years, with approximately 300 cubic yards of material dredged per event. The dredged material from the maintenance dredging would also be placed at an off site state-approved upland location.

The stated purpose of this project is to maintain existing operational water depths to allow pleasure boats to safely access the waterway.



"COLGATE BASIN" DREDGING PLANVIEW



Drawings & Plans by: Philip R. Anderson
Consultant/Project Manager

25 Oldfield Road-North Sea
Southampton, NY 11968
phone/Fax: 631-259-2263
email: PRA123@optonline.net

Drawing Dimensions based on Suffolk county Tax Map 0903-Section 01.00

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Basin Aver low water depths from field inspection
on July 7, 2006, low tide at 9:45 AM
with site photos

DRW:colgbas71A

NAN-2007-1360-EB4

DREDGING CROSS-SECTIONS

COLGATE BASIN, SAG HARBOR
Suffolk County, New York
Suff County Tax Map # 903-Section 01.00

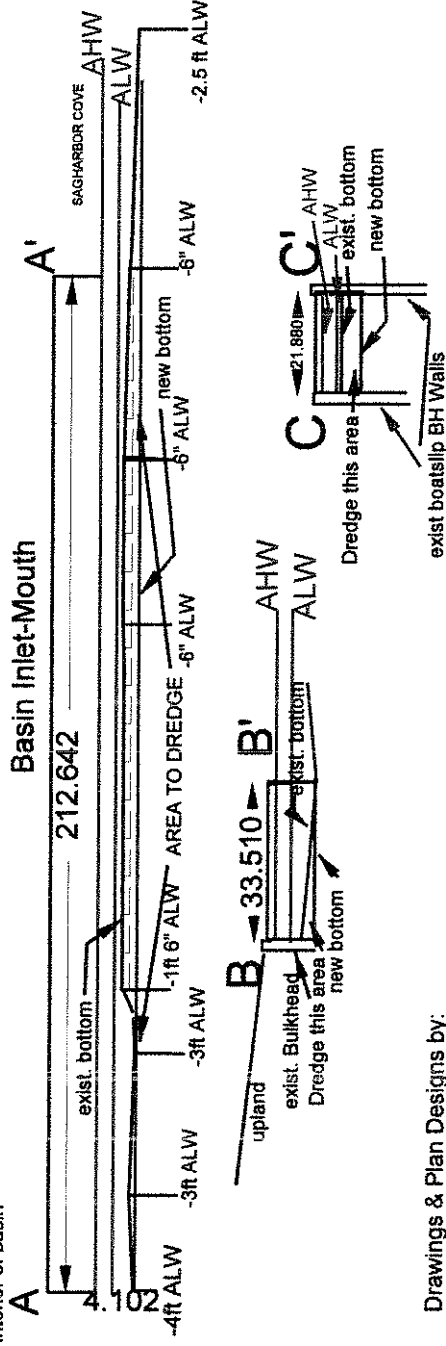
Dredging Calculations:

total approx. lin feet: 260
X aver. width of 37 lin ft
X aver. dredging depth of 2.5 ft
= total Cu. ft. to dredge of 24,050 cu. ft.

27 cu ft/cu yd

24,050 divided by 27 cu ft/cu yd = 890 cu. yds. dredge spoil

interior of basin



Drawings & Plan Designs by:

Philip R. Anderson
Consultant/Project Manager
631/259-2263 :phone/Fax
email: PRA123@optonline.net

Scale is: 1 inch to 40 feet

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DRW: COLGTBAS71B

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